

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:)	
JARRET NATHAN TAPP,)	Case No. 19-62481-RKK
Debtor.)	Chapter 7
)	Judge Russ Kendig
)	

**BOB EVANS RESTAURANTS, LLC’S MOTION FOR EXTENSION OF TIME FOR
FILING COMPLAINT TO DETERMINE DISCHARGEABILITY OF CERTAIN DEBTS**

Bob Evans Restaurants, LLC (“BER”), a creditor of Jarret Nathan Tapp (the “Debtor”), moves this Court to extend the deadline for BER to file a complaint to determine the dischargeability of certain debts owed by the Debtor to BER pursuant to Rule 4007(c) of the Federal Rules of Bankruptcy Procedure (the “Rules”). In support of this Motion, the Trustee states as follows:

BACKGROUND

1. The Debtor filed a voluntary petition for relief under chapter 7 of title 11 of the United States Code (the “Code”) on December 12, 2019.
2. The first meeting of creditors with the Debtors was scheduled to be held on January 28, 2020. The meeting was continued to February 25, 2020.
3. BER has claims against the Debtor and his estate including claims for (1) defamation; (2) tortious interference with business relations; (3) vexatious litigator; (4) vexatious litigator permanent injunction; and (5) injunctive relief in litigation, all or some of which may be nondischargeable. BER is attempting to negotiate a mutual resolution of the claims with the chapter 7 trustee Anthony J. DeGirolamo, (the “Trustee”). However, the Trustee has indicated that he needs additional time and/or information to formulate a proposed resolution.

4. Accordingly, BER requests an additional ninety (90) days extension to the existing deadline to provide BER with additional time to negotiate and mutually resolve its claims with the Trustee in lieu of filing a complaint to liquidate its damages and seek determination of dischargeability of the debts.

LAW AND ANALYSIS

5. A complaint for a determination that a debt is excepted from discharged under Bankruptcy Code Sections 523(a)(2), (4), or (6) must be filed no later than sixty (60) days following the first date set for the meeting of creditors pursuant to Rule 4007(c), unless such time frame is extended. Here, the deadline to object to the Debtor's discharge and/or the Dischargeability of a debt is March 30, 2020.

6. Rule 4007(c) provides, "On motion for any party in interest, after hearing on notice, the court may extend for cause the time [for filing a complaint under Section 523(c)]. The motion shall be made before such time has expired."

7. By this Motion, BER requests that the date to file a complaint for determination of the dischargeability of the debts of the Debtor owed to BER be extended by an additional ninety (90) days, through and including June 28, 2020.

8. As stated above, BER is attempting to negotiate and mutually resolve its claims with the Trustee. A mutual resolution with the Trustee would potentially alleviate the need for BER to file a complaint with this Court, thereby preserving judicial resources. Accordingly, cause for the extension exists.

9. In accordance with Rule 4007(c), this request is made prior to the expiration of the current deadline, March 30, 2020.

WHEREFORE, BER requests that the Court enter an order, substantially in the form attached hereto, extending the time for the filing of complaints for determination of the

dischargeability of the Debtor's debts through and including June 28, 2020.

Dated: February 18, 2020

Respectfully submitted,

/s/ Kari B. Coniglio

Kari B. Coniglio (0081463)

Vorys, Sater, Seymour and Pease LLP

200 Public Square, Suite 1400

Cleveland, OH 44114

(216) 479-6100

(216) 479-6060 (facsimile)

kbconiglio@vorys.com

ammanfull@vorys.com

Counsel for Bob Evans Restaurants, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Bob Evans Restaurants, LLC's Motion for Extension of Time for Filing Complaint to Determine Dischargeability of Certain Debts* was served via the Court's Electronic Case Filing System on February 18, 2020 on the following who are listed on the Court's Electronic Mail Notice List:

- Kari B. Coniglio kbconiglio@vorys.com, mdwalkuski@vorys.com
- Anthony J. DeGirolamo, Trustee - Canton ajdlaw@sbcglobal.net, amber_weaver@sbcglobal.net;ad@trustesolutions.com;AD07@trustesolutions.net
- Ashley M. Manfull ammanfull@vorys.com, jlpohlod@vorys.com
- United States Trustee (Registered address)@usdoj.gov

and to the following via regular U.S. mail:

American Express National Bank
c/o Zwicker & Associates, PC
80 Minuteman Road
PO Box 9043
Andover, MA 01810-1041

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

Jarrett Nathan Tapp
7700 Back Orrville Road
Wooster, OH 44691

/s/ Kari B. Coniglio

Kari B. Coniglio

Counsel for Bob Evans Restaurants, LLC